

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, March 11, 2003

THIRTY-EIGHTH SESSION DAY

ONE HUNDREDTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, March 11, 2003

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—80:

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Campbell	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker

Quorum present.

At 1:54 p.m., Hon. Ellen Corbett, 18th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly
was dispensed with for this legislative day.

COMMUNICATIONS

The following communications were presented by the Speaker, and ordered printed in the Journal:

March 11, 2003

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Dear Dotson: This is to advise you that I have appointed Assemblymember Marco Firebaugh to replace Assemblymember Christine Kehoe on the Joint Legislative Audit Committee for the Wednesday, March 12th hearing only.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

March 11, 2003

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Dear Dotson: This is to advise you that I have appointed the following members to the Select Committee on Aerospace Industry for the 2003–04 Regular Session:

Assemblymember Ellen Corbett
Assemblymember John Dutra
Assemblymember Sally Lieber
Assemblymember Alan Lowenthal
Assemblymember Bill Maze
Assemblymember Sharon Runner
Assemblymember Juan Vargas

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

March 11, 2003

*E. Dotson Wilson**Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: Please be advised that I have appointed the following members to the Select Committee on Airports and the Airline Industry:

Assemblymember John Benoit
Assemblymember John Campbell
Assemblymember Wilma Chan
Assemblymember Lou Correa
Assemblymember Dario Frommer
Assemblymember Jerome Horton
Assemblymember Alan Nakanishi
Assemblymember George Nakano
Assemblymember Sharon Runner
Assemblymember Todd Spitzer
Assemblymember Juan Vargas
Assemblymember Leland Yee

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

March 11, 2003

*E. Dotson Wilson**Chief Clerk
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed the following members to the Select Committee on Biotechnology:

Assemblymember Rebecca Cohn
Assemblymember Lynn Daucher
Assemblymember Christine Kehoe
Assemblymember Doug La Malfa
Assemblymember Sally Lieber
Assemblymember Ken Maddox
Assemblymember Gene Mullin
Assemblymember Mark Ridley-Thomas
Assemblymember Juan Vargas
Assemblymember Lois Wolk

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

March 11, 2003

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Dear Dotson: Please be advised that I have appointed the following members to the Select Committee on California Infrastructure:

Assemblymember Judy Chu
Assemblymember John Dutra
Assemblymember Rick Keene
Assemblymember John Laird
Assemblymember Kevin McCarthy
Assemblymember Fabian Nunez
Assemblymember George Plescia
Assemblymember Todd Spitzer

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

March 11, 2003

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Dear Dotson: This is to advise you that I have appointed the following members to the Select Committee on California Water Needs and Climate Change:

Assemblymember Joe Canciamilla
Assemblymember Lynn Daucher
Assemblymember Doug La Malfa
Assemblymember Sally Lieber
Assemblymember Cindy Montanez
Assemblymember Nicole Parra
Assemblymember George Plescia
Assemblymember Lois Wolk

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

March 11, 2003

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Dear Dotson: This is to advise you that I have appointed the following Assemblymembers to the Select Committee on Cancer Detection, Prevention and Research:

Assemblymember Patricia Bates
 Assemblymember Wilma Chan
 Assemblymember Lynn Daucher
 Assemblymember Mervyn Dymally
 Assemblymember Tim Leslie
 Assemblymember George Nakano
 Assemblymember Nicole Parra

Sincerely,

HERB J. WESSON, JR.
 Speaker of the California Assembly

March 11, 2003

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Dear Dotson: This is to advise you that I have appointed the following members to the Select Committee on Gun Violence:

Assemblymember Judy Chu
 Assemblymember Ellen Corbett
 Assemblymember Dario Frommer
 Assemblymember Jackie Goldberg
 Assemblymember Jerome Horton
 Assemblymember Hannah-Beth Jackson
 Assemblymember Lloyd Levine
 Assemblymember Sally Lieber
 Assemblymember Alan Lowenthal
 Assemblymember Ken Maddox
 Assemblymember Robert Pacheco
 Assemblymember Mark Ridley-Thomas

Sincerely,

HERB J. WESSON, JR.
 Speaker of the California Assembly

JOINT RULE 62(a) WAIVED

Unanimous consent was granted that Joint Rule 62(a) be waived for the purpose of permitting Budget Subcommittee No. 4 and Assembly Judiciary Committee to convene jointly, on Thursday, March 13, 2003, in Room 437, and for the purpose of permitting Budget Subcommittee No. 3 to convene jointly with Assembly Committees on Water, Parks and Wildlife and Environmental Safety and Toxic Materials on March 13, 2003, in Room 4202, upon adjournment of Floor session.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Budget Subcommittee No. 3 on Resources to convene jointly with Assembly Committee on Environmental Safety and Toxic Materials, on March 20, 2003, in Room 4202, upon adjournment of Floor Session;

Budget Subcommittee No. 3 on Resources to convene jointly with Assembly Committees on Natural Resources, Environmental Safety and Toxic Materials, and Water, Parks and Wildlife, on March 27, 2003, in Room 4202, upon call of the Chair.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 11, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 33

Assembly Concurrent Resolution No. 52

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered to the Consent Calendar.

Assembly Chamber, March 11, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 57

Assembly Bill No. 78

Assembly Bill No. 120

Assembly Bill No. 209

Assembly Bill No. 244

Assembly Bill No. 272

Assembly Bill No. 288

Assembly Bill No. 301

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 11, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Joint Resolution No. 4

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, March 11, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

House Resolution No. 18

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, March 11, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 15

Assembly Concurrent Resolution No. 24

And reports the same correctly enrolled, and presented to the Secretary of State on the 11th day of March, 2003 at 11:55 a.m.

E. DOTSON WILSON, Chief Clerk

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1738—Committee on Health (Frommer (Chair), Pacheco (Vice Chair), Bates, Chan, Chavez, Chu, Cohn, Goldberg, Koretz, Nakanishi, Nakano, Negrete McLeod, Nunez, Ridley-Thomas, Wolk, and Yee). An act to amend Sections 113750, 113785, 113895, 113995, 114055, 114056, 114265, 114294, 114300, 114302, 114303, 114304, 114313, 114314, and 114319 of, to add Sections 113750.1, 113817, 113841, 114287.5, and 114305 to, and to repeal Section 114322 of, the Health and Safety Code, relating to retail food facilities.

ASSEMBLY BILL NO. 1739—Committee on Health (Frommer (Chair), Pacheco (Vice Chair), Bates, Chan, Chavez, Chu, Cohn, Goldberg, Koretz, Nakanishi, Nakano, Negrete McLeod, Nunez, Ridley-Thomas, Wolk, and Yee). An act to amend Sections 1300, 1971, 2154.2, 2201, and 3516.1 of, and to repeal and add Article 3.5 (commencing with Section 1247) of Chapter 3 of Division 2 of, the Business and Professions Code, to amend Section 92725 of the Education Code, and to amend Sections 120910, 124425, 124760, 124765, 127755, 127928, 128040, 128205, 128215, 128235, 128260, 128330, and 128385 of, and to add Section 128207 to, the Health and Safety Code, relating to health care.

ASSEMBLY BILL NO. 1740—Committee on Revenue and Taxation (Chavez (Chair), Laird, Leno, and Simitian). An act to amend Sections 17041, 17052.6, 17301.3, and 17302 of, and to add Section 19136.11 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1741—Committee on Revenue and Taxation (Chavez (Chair), Laird, Leno, and Simitian). An act to add Section 6487.06 to the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 1742—Committee on Revenue and Taxation (Chavez (Chair), Laird, Leno, and Simitian). An act to amend Sections 19120, 19368, and 19411 of, and to amend and renumber Section 24328 of, the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 1743—Committee on Revenue and Taxation (Chavez (Chair), Laird, Leno, and Simitian). An act to amend Section 17539.3 of the Business and Professions Code, to amend Section 32311 of the Education Code, to amend Section 7162 of the Government Code, to amend Section 38040 of the Health and Safety Code, to amend Sections 17020.5, 17020.11, 17054, 17072, 17140.5, 17509, 17510, 17856, 18006, 18036.5, 18037, 18038, 18039, 18155.5, 18171, 18171.5, 18177, 19023, 19182, 23036, 23043.5, 23772, 23809, 24872.4, and 24991 of, and to repeal Sections 17088.5, 17088.6, 18037.3, 18037.5, 18043, 18044, 19022, 19024, 19062, 24871.5, and 24872.5 of, the Revenue and Taxation Code, and to amend Section 5060 of the Vehicle Code, relating to taxation.

ASSEMBLY BILL NO. 1744—Committee on Revenue and Taxation (Chavez (Chair), Laird, Leno, and Simitian). An act to amend Section 15606 of the Government Code, and to amend Sections 271 and 442 of the Revenue and Taxation Code, relating to property tax.

ASSEMBLY BILL NO. 1745—Committee on Transportation (Dutra (Chair), Berg, Chan, Chu, Kehoe, Liu, Longville, Nakano, Oropeza, Parra, and Salinas). An act to amend Sections 10221, 10222, and 10224 of, and to add Section 10224.5 to, the Public Contract Code, relating to public contracts.

ASSEMBLY BILL NO. 1746—Committee on Budget (Oropeza (Chair), Bermudez, Chan, Chu, Diaz, Dutra, Dymally, Goldberg, Hancock, Jackson, Liu, Montanez, Nakano, Pavley, Reyes, Simitian, and Wolk). An act relating to the Budget Act of 2003.

ASSEMBLY BILL NO. 1747—Committee on Budget (Oropeza (Chair), Bermudez, Chan, Chu, Diaz, Dutra, Dymally, Goldberg, Hancock, Jackson, Liu, Montanez, Nakano, Pavley, Reyes, Simitian, and Wolk). An act relating to the Budget Act of 2003.

ASSEMBLY BILL NO. 1762—Committee on Budget (Oropeza (Chair), Bermudez, Chan, Chu, Diaz, Dutra, Dymally, Goldberg, Hancock, Jackson, Liu, Montanez, Nakano, Pavley, Reyes, Simitian, and Wolk). An act relating to the Budget Act of 2003.

ASSEMBLY BILL NO. 1763—Committee on Budget (Oropeza (Chair), Bermudez, Chan, Chu, Diaz, Dutra, Dymally, Goldberg, Hancock, Jackson, Liu, Montanez, Nakano, Pavley, Reyes, Simitian, and Wolk). An act relating to the Budget Act of 2003.

ASSEMBLY BILL NO. 1764—Committee on Budget (Oropeza (Chair), Bermudez, Chan, Chu, Diaz, Dutra, Dymally, Goldberg, Hancock, Jackson, Liu, Montanez, Nakano, Pavley, Reyes, Simitian, and Wolk). An act relating to the Budget Act of 2003.

ASSEMBLY BILL NO. 1765—Committee on Budget (Oropeza (Chair), Bermudez, Chan, Chu, Diaz, Dutra, Dymally, Goldberg, Hancock, Jackson, Liu, Montanez, Nakano, Pavley, Reyes, Simitian, and Wolk). An act relating to the Budget Act of 2003.

ASSEMBLY BILL NO. 1766—Committee on Budget (Oropeza (Chair), Bermudez, Chan, Chu, Diaz, Dutra, Dymally, Goldberg, Hancock, Jackson, Liu, Montanez, Nakano, Pavley, Reyes, Simitian, and Wolk). An act relating to the Budget Act of 2003.

ASSEMBLY BILL NO. 1767—Committee on Budget (Oropeza (Chair), Bermudez, Chan, Chu, Diaz, Dutra, Dymally, Goldberg, Hancock, Jackson, Liu, Montanez, Nakano, Pavley, Reyes, Simitian, and Wolk). An act relating to the Budget Act of 2003.

ASSEMBLY BILL NO. 1768—Committee on Budget (Oropeza (Chair), Bermudez, Chan, Chu, Diaz, Dutra, Dymally, Goldberg, Hancock, Jackson, Liu, Montanez, Nakano, Pavley, Reyes, Simitian, and Wolk). An act relating to the Budget Act of 2003.

ASSEMBLY BILL NO. 1769—Committee on Budget (Oropeza (Chair), Bermudez, Chan, Chu, Diaz, Dutra, Dymally, Goldberg, Hancock, Jackson, Liu, Montanez, Nakano, Pavley, Reyes, Simitian, and Wolk). An act relating to the Budget Act of 2003.

ASSEMBLY BILL NO. 1770—Committee on Water, Parks, and Wildlife (Canciamilla (Chair), Berg, Corbett, Daucher, Frommer, Goldberg, Shirley Horton, Kehoe, Matthews, Parra, Pavley, and Wolk). An act to amend Sections 206, 207, 208, 857, 1590, 1591, 2003, and 8282 of, to add Sections 1002, 6950.5, 6951, and 6957 to, to repeal Section 2250, and Article 3 (commencing with Section 6430) of Chapter 5 of, and to repeal and add Section 1002 of, the Fish and Game Code, and to amend Sections 538, 5001.4, 5001.65, 5003.1, 5019.50, 5019.56, 5019.80, 36602, 36620, 36700, 36710, and 36725 of, and to add Sections 21080.30 and 36711 to, the Public Resources Code, and to Amend Section 9 of Chapter 517 of the Statutes of 2002, relating to resources, and making an appropriation therefor.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 62—Chan. Relative to school health.

ASSEMBLY CONCURRENT RESOLUTION NO. 63—Firebaugh. Relative to Cesar Chavez Day.

AUTHOR'S AMENDMENTS

Committee on Public Employees, Retirement and Social Security

March 11, 2003

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 55

With author's amendments with the recommendation: Amend, and re-refer to the committee.

NEGRETE McLEOD, Chairwoman

ASSEMBLY BILL NO. 55—An act to amend Sections 31485.7 and 31485.8 of, and to add Section 31658 to, the Government Code, relating to county employees' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS
Committee on Natural Resources

March 11, 2003

Mr. Speaker: The Chair of your Committee on Natural Resources reports:
Assembly Bill No. 47

With author's amendments with the recommendation: Amend, and re-refer to the committee.

JACKSON, Chairwoman

ASSEMBLY BILL NO. 47—An act to add Section 4551.9 to the Public Resources Code, relating to forest practices.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS
Committee on Public Employees, Retirement and Social Security

March 11, 2003

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 133

With author's amendments with the recommendation: Amend, and re-refer to the committee.

NEGRETE MCLEOD, Chairwoman

ASSEMBLY BILL NO. 133—An act to add Section 20441.5 to the Government Code, relating to public employees' retirement, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

REPORTS OF STANDING COMMITTEES
Committee on Transportation

Date of Hearing: March 10, 2003

Mr. Speaker: Your Committee on Transportation reports:
Assembly Bill No. 117

With the recommendation: Do pass.

DUTRA, Chairman

Above bill ordered to second reading.

Date of Hearing: March 10, 2003

Mr. Speaker: Your Committee on Transportation reports:
Assembly Concurrent Resolution No. 19

With the recommendation: Be adopted, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

DUTRA, Chairman

Above resolution re-referred to the Committee on Appropriations.

Date of Hearing: March 10, 2003

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 184

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

DUTRA, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 10, 2003

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 213

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

DUTRA, Chairman

Above bill ordered to second reading.

Committee on Education

Date of Hearing: March 5, 2003

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 195

With amendments with the recommendation: Do pass, as amended, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

GOLDBERG, Chairwoman

Above bill ordered to second reading.

Date of Hearing: March 5, 2003

Mr. Speaker: Your Committee on Education reports:

Assembly Concurrent Resolution No. 10

With amendments with the recommendation: Be adopted, as amended, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

GOLDBERG, Chairwoman

Above resolution ordered to second reading.

Committee on Transportation

Date of Hearing: March 3, 2003

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 45

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

DUTRA, Chairman

Above bill ordered to second reading.

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 198—An act to add Section 30807.5 to the Streets and Highways Code, relating to streets and highways.

Bill read second time; amendments proposed by the Committee on Transportation read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 76—An act to amend Section 12940 of the Government Code, relating to unlawful employment practices.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be re-referred to the Committee on Labor and Employment.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, March 12, 2003.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 11, 2003**

The following measures were amended in the Assembly on this day:

AB	RN	
47	0307912	
55	0307898	
76	0307958	
133	0307183	
198	0307871	
Daily Total:		5
Cumulative Total:		102

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